



JFW/4

Case 7116-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Herbert Busse et al. : Examiner: Vishal A. Patel
Serial No. 10/615,400 : Group Art Unit: 3676
Filed: July 9, 2003 : Confirmation No. 7994
For: LOW-FRICTION SEAL :

ELECTION WITH TRAVERSE

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office action mailed July 22, 2004, applicant provisionally elects Species I. Claims 15-18, 20-24 and 32 read on provisionally elected Species I.

Applicant traverses the election requirement regarding Species II, IV, V, VI and VII for the following reasons.

As a preliminary matter, the examiner is incorrect in stating Species III is part of the present invention and Species IV constitutes a distinct species. The written description plainly discloses figure 3 as prior art and figure 4 as the same seal as shown in figure 1. It is apparent the examiner has not read or at least carefully considered the written description in making his determination that this application contains seven separate species of invention.

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Rule 1.475(a) states that a group of inventions are linked to form a single general inventive concept ('requirement of unity of invention') when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. Special technical features are technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Rule 1.475(e) states the determination of whether a group of inventions forms a single general inventive shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

The examiner provides no reasons in the Office action for why the application lacks unity of invention under PCT Rule 13.1. The examiner does not explain why there is no relationship among the inventions involving one or more of the same or corresponding special technical features. The MPEP requires the examiner to make the determination on the contents of the claims as interpreted in light of the description and drawings. See MPEP, Appendix A1, Administrative Instructions Under The PCT, Annex B, Unity of Invention, Part 1. As noted earlier, it appears as if the examiner has only considered the drawings and not the claims or the written description.

The examiner has failed to meet burden in showing the application lacks unity of invention. Accordingly, applicant is

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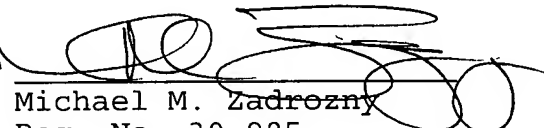
entitled to have all claims examined at the present time.

A check in the amount of \$55.00 is attached in payment of a one month extension of time extending the due date from August 22, 2004 to September 22, 2004.

It is believed that no additional fees are due. Should that determination be incorrect, the Office is authorized to charge any deficiencies to our Deposit Account No. 19-2105 and notify the undersigned.

Respectfully submitted,

Date: SEPT. 22, 2004


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